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THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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December 26, 2007

By Hand  
Deborah A. Batts  
United States District Court Judge  
Southern District of New York  
500 Pearl Street, Room 2510  
New York, New York 10007

Re: Patrick Henry v. City of New York, et al., 07 CV 9928 (DAB) (DF)

Dear Judge Batts:

I am the Assistant Corporation Counsel handling the defense of this action on behalf of Defendant City of New York (the "City"). I am writing with the consent of plaintiff's counsel, Mathew Flamm, Esq., to respectfully request a *nunc pro tunc* sixty-day enlargement of time from December 20, 2007 to February 19, 2008 within which time this office shall answer or otherwise respond to the complaint filed in this action. We apologize for the tardiness of this request. This is the City's first request for an enlargement of time in this action.

*Granted*  
*1/2 DAB*  
*1/2/2008*

The complaint alleges, *inter alia*, failure to protect plaintiff while in custody on Rikers Island. In addition to the City of New York, plaintiff purports to name unknown Corrections Officers as defendants. Before this office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case and determine which corrections officers were on duty on the date of the incident alleged. The enlargement of time will afford us the opportunity to more fully investigate the matter and gather the documents and information necessary to file a responsive pleading. In view of the foregoing, it is respectfully requested that the Court grant the within request extending the City's time to answer or otherwise respond to the complaint until February 1, 2008.

**SO ORDERED**

in your consideration in this regard.

*Deborah A. Batts*

DEBORAH A. BATTS  
UNITED STATES DISTRICT JUDGE

*1/2/2008*

Respectfully submitted,

*David M. Pollack*

David M. Pollack (DMP 3873)  
Assistant Corporation Counsel

cc: By Facsimile Transmission  
(718) 522-2026  
Matthew Flamm, Esq.  
Attorney for Plaintiff

**MEMO ENDORSED**

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